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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,343	07/30/2003	Vidur Apparao	AOL0124	3454

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EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 July 2005_.

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-34_ is/are pending in the application.

    4a) Of the above claim(s) _22-25_ is/are withdrawn from consideration.

5) ☒ Claim(s) _32-34_ is/are allowed.

6) ☐ Claim(s) _1-8, 10-13, 15-20 and 26-31_ is/are rejected.

7) ☐ Claim(s) _9,14 and 21_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the Amendment filed on 07/20/05.

2.   Applicant's election without traverse of Group I, which includes claim 1-21

and 26-31 in the reply filed on 01/18/05 is acknowledged. This application

contains claims 22-25 drawn to a nonelected invention. A complete reply to the

final rejection must include cancellation of nonelected claims or other appropriate

action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   Claims 1-3, 5-6, 8, 11-13, 15, 17-19, 26-27, and 29 are rejected under 35

U.S.C. 103(a) as being unpatentable over Simchik (Pub. No. US 2002/0075302).

and Glance et al ("Glance", USP 6415368).

Regarding claim 1, Simchik teaches a method for managing digital assets

(hypertext), comprising the steps of monitoring access to said digital assets by a

user [0007]; identifying the type of use of said accessed digital assets by said

user (tracking hypertext access); ranking said accessed digital assets based on

said identified use of said digital assets (assigning prominence rating) (see

[0007]); and generating an access hierarchy based on said ranking step, wherein

highly ranked digital assets are more easily accessed by said user than lower

ranked digital assets (the hypertext with the highest prominence rating is placed

first in the display to ensure that it is easier for user to access) (see [0033] and

[0036]) (also see Fig. 5) (also see Fig. 3). Simchik differs from the claim in that

Simchik does not teach hierarchically storing said ranked digital access in a

memory so that highly ranked digital assets are more easily to accessed from

said memory than lower ranked digital assets. However, such feature is known in

the art as taught by Glance. Glance teaches a caching method for hierarchically

storing said ranked digital access in a memory so that highly ranked digital

assets are more easily to accessed from said memory than lower ranked digital

assets (col 2, lines 27-39). It would have been obvious to one of ordinary skill in

the art, having the teaching of Simchik and Glance before him at the time the

invention was made, to modify the method for managing digital assets

taught by Simchik to include hierarchically storing said ranked digital access in a

memory taught by Glance with the motivation being to improve performance and

network traffic (Glance, col 2, lines 19-26).

Regarding claim 2, Simchik teaches said ranking step is based on recency

of use and/or frequency of use (count of frequency access, date of most recent

access) (see [0030] and [0037]).

Regarding claim 3, Simchik teaches applying a user-assigned value when

generating said access hierarchy (user can control parameters in rating therefore

a customized measurement is allowed) (see [0006], [0030]).

Regarding claims 5 and 13, Simchik teaches monitoring use of digital

images (see [0027]).

Regarding claim 6, Simchik teaches assigning score for viewing a digital

image, said ranking step comprising the step of processing said score ([0030]).

Regarding claim 8, Simchik teaches monitoring a Web browser's

navigation history (see [0037]).

Regarding claim 11, Simchik teaches sharing said access hierarchy with a

plurality of networked devices (see [0038]).

Regarding claim 12, Simchik teaches a system for managing a plurality of

digital assets (see Fig. 1 and Fig. 10), comprising a memory for storing a plurality

of digital assets (see [0039]), a processor in communication with said memory for

manipulating said plurality of digital assets, and a ranking module (program

module) in communication with said processor and said memory to rank said

digital assets based on user manipulation of said digital assets; wherein said

memory is responsive to said rank of said digital assets to store said digital

assets with higher ranked digital assets more easily accessed than lower ranked

digital assets (see [0033] and [0036]) (also see Fig. 5) (also see Fig. 3). Simchik

differs from the claim in that Simchik does not teach hierarchically storing said

ranked digital access in a memory so that highly ranked digital assets are more

easily to accessed from said memory than lower ranked digital assets. However,

such feature is known in the art as taught by Glance. Glance teaches a caching

method for hierarchically storing said ranked digital access in a memory so that

highly ranked digital assets are more easily to accessed from said memory than

lower ranked digital assets (col 2, lines 27-39). It would have been obvious to

one of ordinary skill in the art, having the teaching of Simchik and Glance before

him at the time the invention was made, to modify the method for managing

digital assets taught by Simchik to include hierarchically storing said ranked

digital access in a memory taught by Glance with the motivation being to improve

performance and network traffic (Glance, col 2, lines 19-26).

Regarding claim 15, Simchik teaches said ranking module ranks said

digital assets at least in part based on user-assigned values (user can control

parameters in rating therefore a customized measurement is allowed) (see

[0006], [0030]).

Regarding claim 17, Simchik teaches said ranking module comprises an

input for receiving data representative of use of said digital assets including any

of frequency of use and recency of use, said ranking module being configured to

factor in said data representative of said use (count of frequency access, date of

most recent access) (see [0030] and [0037]).

Regarding claim 18, Simchik teaches said digital assets stored in said

memory comprise digital images ([0027]), said ranking module being configured

to use scores assigned to said digital images to calculate a ranking of said digital

images, said scores being based on specific user manipulations of said digital

images, comprise any of editing, viewing, and transmitting or receiving of said

digital images ([0030]).

Regarding claim 19, Simchik teaches digital assets comprise URL's (see

[0004]).

Regarding claim 26, Simchik teaches a method managing a list of URLs

that is automatically responsive to a user's Web navigation history ([0037]),

comprising the steps of creating a navigation history that records Web sites

accessed by said user and URLs activated by said user (tracking hypertext

access), assigning scores to each of said URLs in said navigation history based

on use of said URL (assigning prominence rating) (see [0007]); creating an

access hierarchy of said URL based on said scores, wherein URL having higher

scores are more easily accessed than URL having lower scores (the hypertext

with the highest prominence rating is placed first in the display to ensure that it is

easier for user to access) (see [0033] and [0036]) (also see Fig. 5) (also see Fig.

3). Simchik differs from the claim in that Simchik does not teach hierarchically

storing said ranked digital access in a memory so that highly ranked digital

assets are more easily to accessed from said memory than lower ranked digital

assets. However, such feature is known in the art as taught by Glance. Glance

teaches a caching method for hierarchically storing said ranked digital access in

a memory so that highly ranked digital assets are more easily to accessed from

said memory than lower ranked digital assets (col 2, lines 27-39). It would have

been obvious to one of ordinary skill in the art, having the teaching of Simchik

and Glance before him at the time the invention was made, to modify the method

for managing digital assets taught by Simchik to include hierarchically storing

said ranked digital access in a memory taught by Glance with the motivation

being to improve performance and network traffic (Glance, col 2, lines 19-26).

Regarding claim 27, Simchik teaches that said step of creating a Web

navigation history comprises recording the recency and frequency with which

each of said URL are activated (count of frequency access, date of most recent

access) (see [0030] and [0037]).

Regarding claim 29, Simchik teaches receiving user-assigned values for

each of said URL's, said step of assigning scores further comprising the step of

factoring in said user-assigned values ([0030]).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

6.   Claims 4, 10, 16, 20, and 30-31 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Simchik, Glance, and Bates et al ("Bates", USP

6088707).

Regarding claims 4, 10, 16, and 20, Simchik and Glance teach assigning

scores to each of said digital assets based on said use of said digital assets

([0030]), and re-ranking said digital assets based on the score ([0033]). Simchik

differs from the claim in that Simchik does not teach re-ranking said digital assets

only if a score of a first digital asset exceeds a score of a second previously

higher ranked digital asset by a predetermined threshold. However, such feature

is known in the art as taught by Bates. In the same field of customizing present

information of interest to a user (col 2, lines 46-56), Bates teaches steps for

monitoring the update status of hypertext document (col 2, lines 46-56), Bates

further teaches notification of an updates occurs only in response to changes to a

document that exceed a predetermined threshold (col 3, lines 1-4) which is

optionally configured by the user (col 7, lines 65-67). It would have been obvious

to one of ordinary skill in the art, having the teaching of Simchik, Glance and

Bates before him at the time the invention was made, to modify Simchik's

method of displaying hypertext based on prominence rating to include Bates'

teaching that updating status occurs only if changes exceed a predetermined

threshold so that the user can control when to change the display list, thus

enhancing customization of Simchik's system (Simchik, [0030]).

Regarding claim 30, Simchik and Glance teach updating said Web

navigation history to record Web sites visits made by said user assigning scores

to each of said URL'S in said updated Web navigation history based on said

user's use of said URL's ([0030]). Simchik differs from the claim in that Simchik

does not teach updating said access hierarchy if a score assigned to a first URL

exceeds a score assigned to a second previously higher ranked URL by a

predetermined threshold. However, such feature is known in the art as taught by

Bates. In the same field of customizing present information of interest to a user

(col 2, lines 46-56), Bates teaches steps for monitoring the update status of

hypertext document (col 2, lines 46-56), Bates further teaches notification of an

updates occurs only in response to changes to a document that exceed a

predetermined threshold (col 3, lines 1-4) which is optionally configured by the

user (col 7, lines 65-67). It would have been obvious to one of ordinary skill in the

art, having the teaching of Simchik, Glance, and Bates before him at the time the

invention was made, to modify Simchik's method of displaying hypertext based

on prominence rating to include Bates' teaching that updating status occurs only

if changes exceed a predetermined threshold so that the user can control when

to change the hierarchy display list, thus enhancing customization of Simchik's

system (Simchik, [0030]).

Regarding claim 31, Bates teaches allowing said user to define said

predetermined threshold (col 7, lines 65-67).

7.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Simchik, Glance, and Ferman et al ("Ferman", Pub. No. US 2004/0073918).

Regarding claim 7, Simchik and Glance teach calculating ranking based

on user's accessing digital assets ([0030]). Simchik does not teach monitoring

audio files. However, such feature is known in the art as taught by Ferman.

Ferman teaches automatic user profiling which comprises monitoring the use of

audio files of a user through recording and subsequently analyzing usage user's

usage history information (see [0006]). It would have been obvious to one of

ordinary skill in the art, having the teaching of Simchik, Glance, and Ferman

before him at the time the invention was made, to modify Simchik's method of

displaying hypertext based on prominence rating to include monitoring audio files

so with the motivation being to apply Simchik's teaching for both image and

audio files.

8.   Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Simchik, Glance, and Weng et al ("Weng", Pub. No. US 2004/0019849).

Regarding claim 28, Simchik and Glance do not teach determining

whether data downloaded from Web sites corresponding to said URL'S were

edited or shared by said user. However, such feature is known in the art as

taught by Weng. Weng teaches method for providing online Web page editing

which comprises editing downloaded data (abstract). It would have been obvious

to one of ordinary skill in the art, having the teaching of Simchik, Glance, and Weng before him at the time the invention was made, to modify Simchik's method of displaying hypertext based on prominence rating to include Weng's teaching of monitoring editing downloaded data with the motivation being enable the system to monitor the use of downloaded data.

Allowable Subject Matter

9.   Claims 9, 14, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 32-34 are allowed.

10.   Applicant's arguments filed on 07/20/05 have been considered but are moot in view of the new ground(s) of rejection.

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

12.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Kieu D. Vu. The examiner can normally be

reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or

proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for

"INFORMAL" or "DRAFT" communication. Examiners may request that a formal

paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Kieu D. Vu